

Pearce, Jennifer

From: Parsons, Sheryl
Sent: Thursday, December 22, 2016 10:01 AM
To: Pearce, Jennifer
Subject: FOIA Assignment for EPA-R4-2017-001940 1 of 4

Hi Jennifer!

The first of four emails for your FOIA

From: HPowell986@aol.com [mailto:HPowell986@aol.com]
Sent: Friday, August 29, 2014 9:07 AM
To: Parsons, Sheryl <Parsons.Sheryl@epa.gov>
Cc: bgprevatt@aol.com
Subject: Re: FONSI Lower Keys Wastewater Project and NEPA / 2

Dear Ms Parsons,

Can you find where the FONSI was actually published in a "newspaper of general circulation" in the Keys, please? Granted it was published in the state clearing house , but we are unaware of a true notice to the public here. Note that FL DEP has published Notices of Intent in newspapers a few counties away from the Keys, and claimed it was an oversight. The FCAA also asked FL DEP not to publish NOI s as they were concerned about negative comments and petition for administrative hearing being filed.

You might be interested in the article here:

<http://thebluepaper.com/article/betrayed/>

Many Thanks,

Harry Powell

Big Pine Key

In a message dated 8/28/2014 10:37:28 A.M. Eastern Daylight Time, Parsons.Sheryl@epa.gov writes:

Dear Mr. Powell,

This is in response to your email below. I understand your question is in regards to the environmental review process for the Monroe County Cudjoe Key Regional system. The subject project underwent environmental review appropriately.

The State Revolving Fund program is a loan program, capitalized by EPA, and uses the EPA approved State Environmental Review Process. I have attached the Florida Finding of No Significant Impact, issued in April 2011.

If you have any further questions, feel free to contact me.

Thank you,

Sheryl Parsons

From: HPowell986@aol.com [<mailto:HPowell986@aol.com>]

Sent: Tuesday, August 19, 2014 12:55 PM

To: Parsons, Sheryl

Cc: wdrabinski@vantageenergyconsulting.com; bgprevatt@aol.com; bigpinefl@gmail.com

Subject: Lower Keys Wastewater Project and NEPA

Parsons.sheryl@Epa.gov

Dear Ms Parsons,

I sent you a query a few days ago and hope you can enlighten me as to why this project , partially funded through an EPA State Revolving Loan to Florida, has not been looked at through the lense of the NEPA.

Below is a letter to the editor recently published that might be of interest. It's not that we are opposing sewerage the Keys, quite the opposite, but we want it done correctly.

Please pardon the typos in my earlier letter as my eyes are failing me somewhat.

Sincerely,

Harry Powell

Big Pine Key Florida

Grinder Pumps, Will They Mean the End of Key Deer? ~Walt Drabinski, Sir Isaac Newton Coalition
Commisioner George Neugent states that a pressure sewage system, with grinder pumps, is the optimum sewage collection system for Big Pine Key. He says grinder pumps require less excavation and have a smaller footprint. While these may or may not be immediate benefits of a pressure sewage system, we need to consider the impact of alternative systems, long term environmental issues and the unintended consequences of this political decision. You may or may not agree with my hypothesis, but it needs serious analysis, debate and input from independent professionals before long term, permanent and potentially disastrous decisions are made.

The Key Deer thrive on Big Pine Key because there are two separate fresh water lenses that hold an estimated at 20-30 million gallons. The very existence of the key deer, lower keys marsh rabbits, rice rats and now two species of endangered butterfly depend on the availability and quality of the water. These two lenses provide a freshwater source to the Blue Hole and small ponds that support the deer and plants needed for this a unique ecological system. According to studies, most of which were conducted in the 1980-90 period, it takes about 2.5 years for water on the surface to make its way through the lens to the nearby waters. There are no recent studies on the size, movement or impact of a sewage system of any kind on the freshwater lens on Big Pine Key.

A pressure system, with almost 1,200 grinder pumps and plastic pits, thirty lift stations, and two booster stations, require many miles of HDPE plastic pipe, thousands of thermal pipe welds, thousands of shut-off and check valves, and dozens of concrete pits all buried anywhere from 2 to 12 feet deep. Grinder pits only hold about one day of sewage during power outages, after which sewage either flows into your home or yard if you continue to flush. There is a 100% probability that there will be leaks: thermal weld or valve failures, excavation or drilling through the pipe, or simply cracking of the plastic pipe or concrete pits over time. When that happens, the leaks, which are almost impossible to detect in a pressure system, will contaminate the freshwater lens, eventually creating a poisoned source of water for the fragile ecological system that will take years to dissipate. Think about a two year plus cycle to get rid of any spilled sewage! A gravity system is somewhat better because the number of miles of piping is greatly reduced, but the real solution for Big Pine Key is a vacuum system, which is also the least cost alternative. As George recently pointed out, when a vacuum system leaks, the water enters the system, instead of the sewage entering the water. BTW, the problem of leaking vacuum pit seals being experienced in other parts of the Keys, will likely occur with grinder pits as well since the pits use the same type of seals between the plastic pit and the surrounding area.

Almost eighteen months ago I asked for a review of the CRWS design in order to address the many serious questions being raised. While we are now at the eleventh hour, the final decision for Big Pine could have major consequences and needs to be reviewed by professionals, not politicians. Every politician, environmental and homeowner group who loves or has a concern for the unique environment of Big Pine Key should demand legitimate answers. The representatives of the Key Deer Preserve, the EPA and DEP should demand real, timely and independent analysis before any work goes forward. Simply meeting the minimum design requirements of State law is not adequate for this sensitive environment. This is too important for the FCAA to just do what our politicians want without questioning the long term impact. I live on Cudjoe Key and will have a gravity system. I seek no political office and my firm, by choice, does not work in Florida, so I have no financial interest in this issue. I am raising these questions because I have a moral obligation to my neighbors and our children to assure that we get the right system.

The residents of the Keys and all of Florida need answers. When this system leaks, is there any way to find the leaks? How long will it be before the plastic piping begins to deteriorate? How do you keep 1,200 grinder pumps working when there is a power outage? What do the scientists say about the impact of sewage in the freshwater lens? Why is a system that costs more over the long term even being considered?

Pearce, Jennifer

From: Parsons, Sheryl
Sent: Thursday, December 22, 2016 10:01 AM
To: Pearce, Jennifer
Subject: FOIA Assignment for EPA-R4-2017-001940 2 of 4
Attachments: FFONSI for Monroe County.pdf

From: Parsons, Sheryl
Sent: Thursday, August 28, 2014 10:37 AM
To: 'HPowell986@aol.com' <HPowell986@aol.com>
Cc: 'wdrabinski@vantageenergyconsulting.com' <wdrabinski@vantageenergyconsulting.com>; 'bgprevatt@aol.com' <bgprevatt@aol.com>; 'bigpinefl@gmail.com' <bigpinefl@gmail.com>
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Sent: Tuesday, August 19, 2014 12:55 PM
To: Parsons, Sheryl
Cc: wdrabinski@vantageenergyconsulting.com; bgprevatt@aol.com; bigpinefl@gmail.com
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Sincerely,
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Big Pine Key Florida

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systems, long term environmental issues and the unintended consequences of this political decision. You may or may not agree with my hypothesis, but it needs serious analysis, debate and input from independent professionals before long term, permanent and potentially disastrous decisions are made.

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Memorandum

Florida Department of
Environmental Protection

TO: Phil Coram, Deputy Director 
Division of Water Resource Management

FROM: Robert E. Holmden, Chief 
Bureau of Water Facilities Funding

DATE: April 13, 2011

SUBJECT: Florida Finding of No Significant Impact publication for Monroe County.

Attached are the Florida Administratively Weekly (FAW) notice cover sheet, the Notice of Availability (NOA) and the Florida Finding of No Significant Impact (FFONSI) for the project. The NOA is scheduled for publication in the FAW on April 29, 2011.

Please return the signed FFONSI and the rest of the publication package to me. We will e-notice the NOA through the Office of the General Counsel as soon as we receive the signed FFONSI. In order to meet the publication date, we will need to submit the e-notice by noon on April 20, 2011.

RH/wff/pms

Attachments

RECEIVED

APR 14 2011

DEPUTY DIRECTOR
WATER RESOURCE MANAGEMENT

FAW NOTICE COVER SHEET

DATE TO BE SUBMITTED: April 20, 2011

DATE TO BE PUBLISHED IN THE FAW: April 29, 2011

1. Person Originating Notice: Pankaj Shah

2. Type of Notice:

- ☐ Rule Development
- ☐ Proposed Rule 120.54, F.S.
- ☐ Notice of Intent to Adopt Rule, 403.8055, F.S.
- ☐ Notice of Change/Withdrawal
- ☐ Meeting/Workshop/Hearing
- ☐ Variance/waiver 120.542, F.S.
- ☐ Variance 403.201, F.S. (filed under Miscellaneous section of FAW)
- ☐ Receipt of Rule Petition 120.54(7), F.A.C.
- ☐ Declaratory Statement 120.565, F.S.
- ☐ Bid Request for Proposal
- ☐ Emergency Rule
- ☒ Miscellaneous

3. Comments: _____

APPROVALS:

DIVISION DIRECTOR: _____

DATE: _____

4/14/11

NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
MONROE COUNTY, FLORIDA

The Department of Environmental Protection has determined that Monroe County's Cudjoe Regional Wastewater System proposed project for the construction of a collection, transmission and treatment system will not have a significant adverse impact on the environment. The total project cost is estimated at \$150,000,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling 850/245-8372.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

Monroe County, Florida

WW44071 - Collection, Transmission & Treatment Facilities
Cudjoe Regional Wastewater System

April 29, 2011

Section 62-503.701, Florida Administrative Code, requires the Florida Department of Environmental Protection (DEP) to determine whether providing a State Revolving Fund (SRF) loan for construction of a wastewater treatment plant will have a significant adverse impact on the environment. In making this determination, the Department assumes that all facilities and actions recommended in the planning documents will be implemented, whether or not SRF loan assistance is used to fund any of those facilities or actions. A Florida Finding of No Significant Impact (FFONSI) is issued when, based upon available information, it appears that implementing the plan will not have a significant adverse impact on the environment.

The proposed project consists of a combination of gravity sewers, low pressure systems, force mains, lift stations, and a new 1.0 MGD advanced wastewater treatment facility. Effluent will be disposed of through 4 (four) shallow injection wells. This project is necessary to reduce the pollution currently being released into the environment from package wastewater treatment facilities and residential on-site systems. Excessive nutrients have a serious deleterious impact on the highly sensitive habitat in the nearshore and offshore waters. The total estimated project cost for the collection, transmission, wastewater treatment is \$150,000,000.

The DEP tentatively finds, based on the review of the "Monroe County, Draft Facilities Plan Cudjoe Regional Wastewater System, Florida Keys" dated April 2011, and related documentation, that the project will not have a significant adverse environmental impact. Attached is an Environmental Assessment containing information organized into the following sections: (A) Proposed Facilities and Funding Status; (B) Existing Environment; (C) Existing Wastewater Facilities; (D) Need for Proposed Facilities; (E) Alternatives Analysis; (F) Environmental Consequences and Mitigative Measures; and (G) Public Participation and Sources Consulted.

This FFONSI does not commit any regulatory agency to issue permits that may be required for construction of the proposed facilities. The Department will not approve the project planning documentation, thereby making this tentative finding of no significant environmental impact final, without carefully evaluating public comments that indicate the proposed facilities or

Florida Finding of No Significant Impact

Monroe County, Florida

April 29, 2011

Page Two

actions recommended in the planning documents will adversely affect the environment. A copy of the "Monroe County, Draft Facilities Plan, Cudjoe Regional Wastewater System, Florida Keys" dated April 2011 and related documentation to support this decision are available for public inspection at the Monroe County Administration Building at 1100 Simonton Street, Suite 2-205, Key West, Florida and at the Department's Offices, 2600 Blair Stone Road, Room 502, Tallahassee, Florida.

In order to be considered, comments must be submitted within 30 days of the date of this environmental information document to: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS # 3505, Tallahassee, Florida 32399-2400. Comments also may be offered by telephone at 850/245-8358.

A handwritten signature in black ink, appearing to read "P. Coram", with a long horizontal flourish extending to the right.

Phil Coram, P.E.

Deputy Director

Division of Water Resource Management

Attachment

PC/wff/pms

ENVIRONMENTAL ASSESSMENT
Collection, Transmission, and Treatment Facilities
Monroe County, Florida

A. Proposed Facilities and Funding Status

1. Introduction

The unincorporated area of Monroe County south of the City of Marathon and north of the City of Key West is typically referred to as the Lower Keys. The overall Cudjoe Regional Wastewater Treatment Service Area (Service Area) is located in the Lower Florida Keys, and extends from Mile Marker MM 17 to MM 33, and includes ten islands (Figure ES-1): No Name Key, Big Pine Key, Little Torch Key, Middle Torch Key, Big Torch Key, Ramrod Key, Summerland Key, Cudjoe Key, Upper Sugarloaf Key and Lower Sugarloaf Key.

2. Proposed Facilities

The project consists of constructing a wastewater treatment plant, transmission main and wastewater collection system to serve the communities from Lower Sugarloaf Key (MM17) through No Name key (MM31). The treatment plant will be located on Cudjoe Key. The plant will have design capacity of 1.0 MGD and will meet Advanced Wastewater Treatment Standards (AWT). The treatment process will include an influent screening facility, biological treatment consisting of 5-Stage Bardenpho treatment basins, clarifiers, disinfection and a biosolids handling facility. The transmission and collection system will serve approximately 8,800 equivalent dwelling units (EDU's).

3. Funding Status

Upon completion of Section 62-503.700 activities, the proposed facilities will be eligible to receive a loan from the State Revolving Fund (SRF) under project number WW44071. The total project cost of these facilities is estimated at \$150,000,000. The Florida Keys Aqueduct Authority (FKAA) and Monroe County have partnered through interlocal agreements to provide wastewater conveyance and treatment strategies that will comply with the Monroe County Master Plan and the standards mandated by the Florida Legislature.

B. Existing Environment

The Monroe County, Cudjoe Regional service area is a mixture of residential, commercial, recreational, wetlands and transportation/utilities land use.

The proposed collection system facilities are within the residential areas, and regularly maintained right-of-ways. The proposed treatment plant is located on Cudjoe Key at the decommissioned landfill owned by Monroe County. Construction of sewer collection systems may cross naturally or culturally sensitive lands.

Unique and nationally significant resources, most notably the only living barrier coral reef in North America, emphasize the importance of the Florida Keys and Sanctuary as part of a complex ecosystem that includes numerous public conservation areas and habitat for protected species. The Cudjoe Regional Service Area and associated nearshore waters are a component of this complex ecosystem, which supports over 6,000 species of plants, fishes and invertebrates and is dominated by the third largest coral reef system in the world. These habitats can be altered by anthropogenic influences, including increased urban development, water quality degradation, altered groundwater flows, and expansion of non-native and invasive species.

Wetlands comprise approximately 59.4 percent of the habitat within the 20,177-acre Service Area. Wetlands include mangroves, buttonwood, salt marsh, tidal flats and freshwater marsh. Uplands make up approximately 40.6 percent of the Service Area and include pinelands, tropical hardwood hammocks and developed lands.

Protected species data for Monroe County were obtained from the FNAI database, FDAC, and Atlas of Florida Vascular Plants (AFVP). Protected species potentially occurring in Monroe County include 82 animal and 91 plant species, although fewer have a documented presence.

The Cudjoe regional service area does lie within the heart of the National Key Deer Refuge and the Great White Heron National Wildlife Refuge.

C. Existing Wastewater Facilities

There is no existing central wastewater treatment system in this service area. The entire planning area is served by on-site systems and small package wastewater facilities.

D. Need for the Proposed Facilities

The Monroe County Year 2010 Comprehensive Plan mandated that a Sanitary Wastewater Master Plan be prepared to determine acceptable levels of sanitary service and treatment for all developed and undeveloped land in Monroe County. The intent of the comprehensive plan is: 1) To establish more stringent loads that can be tolerated by the County's nutrient-sensitive waters and ecosystems without experiencing short-term or long-term adverse effects; 2) To prevent further degradation of groundwater, as well as confined, nearshore, and offshore waters; and 3) To ensure improvement of these water levels that have been demonstrated to support healthy, diverse, and productive populations of fish and other marine resources. The Monroe County Sanitary Wastewater Master Plan (CH2M Hill, March 2000) analysis of wastewater management alternatives concluded that, in most areas in the Keys, the most cost effective and environmentally sound alternative is to provide a central wastewater collection and treatment system. The alternative is to upgrade or replace all existing onsite systems with shared cluster onsite wastewater nutrient reduction systems and upgrade all existing wastewater treatment plants to Best Available Technology (BAT) or Advanced Wastewater Treatment (AWT) nutrient reduction systems.

E. Alternatives Analysis

No Action Alternative: This alternative involves optimizing the existing facilities and operating them without adding any capital improvements. This alternative would promote increased use of septic tanks in the planning area. This is not consistent with the County's needs for the proposed facilities. Consequently, this alternative was not acceptable.

Collection System and a new 1.0 MGD Treatment Facility Alternative: As described in the proposed facilities section above, this alternative will provide a much higher level of treatment than on-site systems, eliminating or reducing human health and environmental impacts from existing septic tanks and drain field systems. This is the most environmentally sound alternative, and therefore it was selected.

F. Environmental Consequences and Mitigative Measures

Implementation of the project will have a beneficial effect on the environment. The project will eliminate the need for most of the existing septic tanks and package treatment plants in the planning area. By doing so, this project will improve water quality by removing sources of pollution and decreasing nutrient loading to the nearshore waters.

Construction of these facilities will not have an adverse affect on waterways, flora, fauna, threatened or endangered plant or animal species. It is unlikely that archeological, historical, or cultural sites will be encountered during construction of the proposed facilities.

Temporary adverse impacts during construction will include increased noise levels, minor disruptions in traffic, and an increase in the amount of airborne particulate matter. Control measures will be implemented to minimize these temporary impacts.

The project planning document has been submitted to the Florida State Clearinghouse for distribution to other state agencies. In the event the DEP receives any negative comments from the State Clearinghouse or other state agencies, the appropriateness of the FFONSI will be reconsidered.

G. Public Participation and Sources Consulted

Monroe County has demonstrated that it has the legal, institutional, managerial, and financial capability to construct, operate, and maintain the wastewater management system.

Public meetings will be held to discuss the proposed project.

Sources consulted regarding this project include:

1. Monroe County.
2. Florida Keys Aqueduct Authority.
3. Florida Department of Environmental Protection, State Clearinghouse.

Pearce, Jennifer

From: Parsons, Sheryl
Sent: Thursday, December 22, 2016 10:02 AM
To: Pearce, Jennifer
Subject: FOIA Assignment for EPA-R4-2017-001940 3 of 4
Attachments: removed.txt

From: Parsons, Sheryl
Sent: Wednesday, August 20, 2014 8:39 AM
To: Timothy.banks@dep.state.fl.us
Subject: FW: Lower Keys wastewater systm funded through EPA

From: HPowell986@aol.com [mailto:HPowell986@aol.com]
Sent: Monday, August 18, 2014 4:02 PM
To: Parsons, Sheryl
Cc: Higgins, Jamie; wdrabinski@vantageenergyconsulting.com; bgprevatt@aol.com; homebigpine@aol.com; Parsons, Sheryl
Subject: Re: Lower Keys wastewater systm funded through EPA

Dear Ms parsons ,
Could you review the enclosed and get back to me regarding NEPA compliance in a Federal Wildlife Refuge and National marine Sanctuary , please?
Deeply Appreciated,

Harry Powell
Big Pine Key FL

In a message dated 8/18/2014 3:30:12 P.M. Eastern Daylight Time, Higgins.Jamie@epa.gov writes:

Mr. Powell,

I apologize for just now responding to your email, but I have been out of the office the last two weeks.

Sheryl Parsons of our SRF program could better answer your question. She is cc'd in this email and her email address is Parsons.sheryl@Epa.gov.

Sincerely,

Jamie Higgins

EPA Region 4

NEPA Program Office

Sam Nunn Atlanta Federal Center

61 Forsyth Street, SW

Atlanta, GA 30303

404-562-9681

Higgins.jamie@epa.gov

From: HPowell986@aol.com [<mailto:HPowell986@aol.com>]

Sent: Wednesday, August 13, 2014 4:07 PM

To: Higgins, Jamie

Cc: wdrabinski@vantageenergyconsulting.com; bgprevatt@aol.com; HPowell986@aol.com; homebigpine@aol.com

Subject: Lower Keys wastewater systmr funded through EPA

Dear Ms Higgins ,

I was told I should contact you. Apparently NEPA has been ignored and the impact to the Florida Keys Marine Sanctuary and the Key Deer National Wildlife Refuge, as well as other environmental concerns have not been addressed for this massive project which has been partially funded thru EPA and its State Revolving Loan Fund.

Please see below and kindly respond with any suggestions.

Kind Regards,

Harry Powell

Big Pine Key FL

http://www.evergladesplan.org/pm/projects/project_docs/other_projects_fwqip/fkwq_eis_main_body_cover_figures.pdf

<http://www.epa.state.il.us/water/financial-assistance/waste-water/35-iac-365.pdf> Section 365.530 State Environmental Review

- a) Prior to making a final determination on the acceptability of any facilities plan, the Agency shall undertake an environmental review. The Agency may categorically exclude certain classes of projects from a detailed environmental review and public hearing requirement when, by virtue of their limited scope, the projects have no potential for negative environmental impacts.
- b) The Agency shall not begin its environmental review until it has determined that the facilities plan conforms to the requirements of Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Subpart, and that, based on the information available, all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
- c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction.
- d) For all projects requiring an environmental review, the Agency will assess the environmental impacts of the proposed project and prepare a written Preliminary Environmental Impacts Determination (PEID). The public will be given an opportunity to comment on the facilities plan and the Agency's environmental impacts assessment.
- e) The PEID shall be mailed to the loan applicant and other interested parties, inviting public comment. The loan applicant shall hold a public hearing on the plan and the Agency's PEID for the purpose of obtaining public comment. The public hearing shall be held within 60 days after receipt of the Agency's PEID or within an alternate time period that is justified by the loan applicant and approved by the Agency. The loan applicant shall allow an additional 10 days from the date of the public hearing for the submission of written comments from the public.
- f) The

Here are discussion points:

Water quality, environmental protection, which everyone wants

Potential violations of NEPA and the Clean Water Act

Health and safety issues

Long term Cost of the system and economics

Questionable engineering and decision tree

Laws and regulations seemingly swept aside. Perceived misrepresentation by FKAA, irresponsible BOCC and all too compliant DEP and a growing suspicion that there is some graft or corruption involved.

This must be resolved through a thorough investigation, not just lip service by the in house DEP Inspector General but by some independent IG or other entity like FDLE.

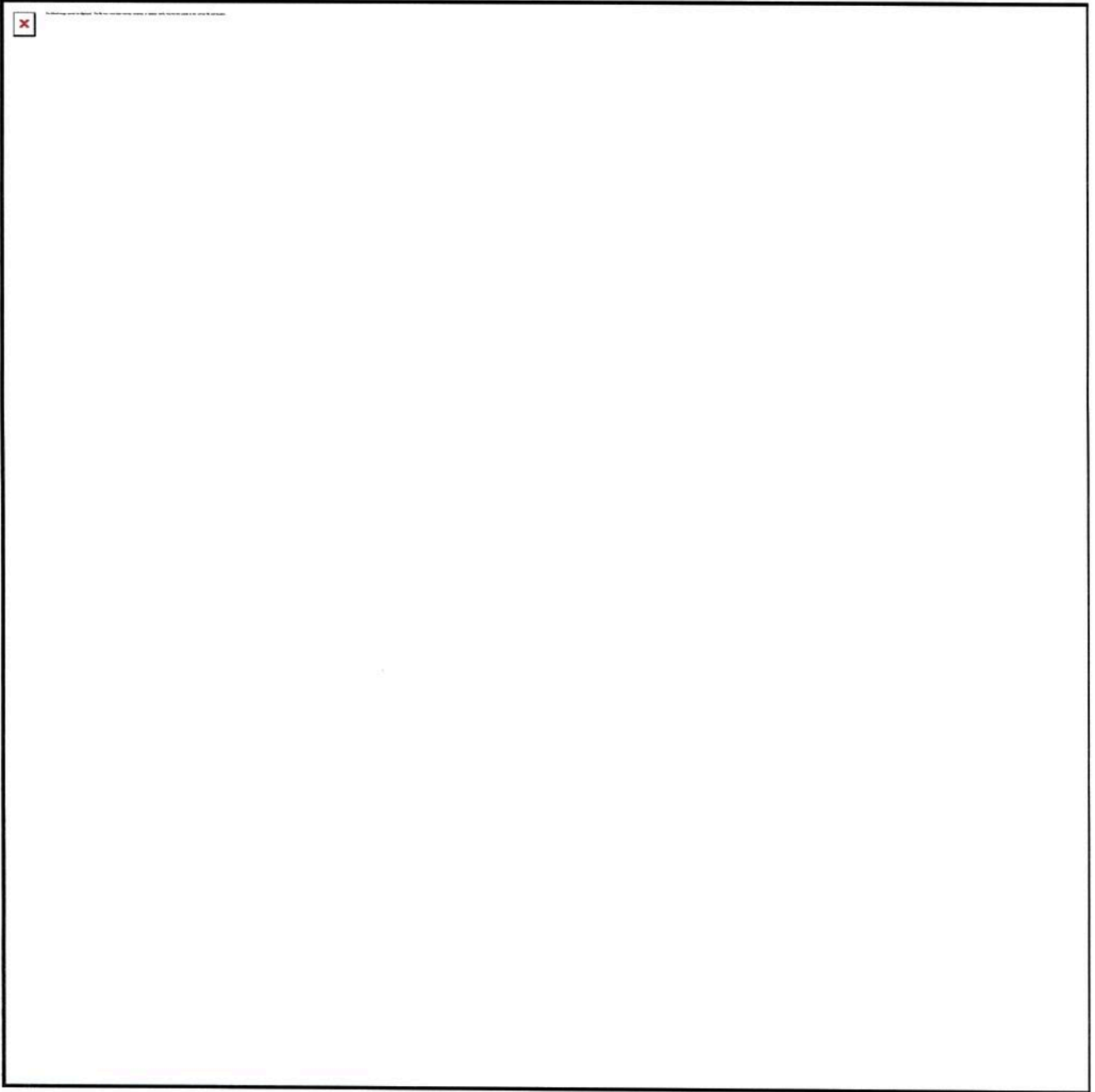
I think the Governor needs to be told that this tourist/real estate, seafood economy could suffer if our water quality is adversely affected by this mis-engineered up system. We already have beach advisories in Key West and they have a good system with a deep well. What happens when Bahia Honda State Park gets closed? How will the TDC sell THAT?

- FKAA is not going to make the 2015 deadline by their own admission- maybe not even hook up Big Pine until 2016, so why not stop the work now until the case has been settled?
- The Notices of Intent are not permits and the language says that timely petitions would halt the permits." **The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of notice. The procedures for petitioning for a hearing are set forth below.... This permit action is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this permit will not be effective until further order of the Department.**
What's the point of a NOI if DEP can illegally ignore the timely petitions and allow construction to proceed?. The NOI clearly states that there is no permit if a petition is filed in a timely manner, which they were.
- If LPS/ grinder system is so wonderful , then why was not the whole project done with them?
- FKAA has no oversight other than the Governor Scott. The FKAA Chairman said that he would prefer gravity in most all cases, but the County will not give the money. They maintain that the LPS system is a good choice. What are the consequences if they are wrong and proceed with the project before the hearings? They have rushed ahead anyway and should stop work.

- The decision tree below came from someone , nobody knows for sure, but note that separate Baypoint system has only 497 vacuum EDUs. Not greater than 750 this later decision tree shows, and there are recommendations that vacuum standards start at 75 , not 750 EDUs.. I think this was designed so that the only decision was to use LPS.

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- A Coral Springs FL report stated that LPS was just one step better than septic tanks and below gravity and

vacuum systems. <http://archive.news-press.com/assets/pdf/A476189611.PDF>

- There have been numerous sewage spills and significant problems in other areas that use LPS see:
http://www.westportnow.com/index.php?v2_5/comments/raw_sewage_flooding_home_sparks_outrage and
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http://www.pahomepage.com/story/d/story/sewage-spews-onto-pocono-properties/38596/F13xGv_98UuZAwF7CyYJ4A

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Sent: Thursday, February 27, 2014 3:03 PM
To: Iglehart, Jon; Oni, James; Ahmadi, Abdul
Cc: Robert Feldman; wesley.self@layne.com
Subject: Big Pine Key Collection System

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From: "Powell, Brian" <brian_powell@fws.gov>

Sent: Thu May 08 2014 11:06:53 GMT0600

(MDT)

To: Julie Cheon <jcheon@fkaa.com>

Subject: Re: FW: Cudjoe Wastewater Treatment Project

Julie,

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see also page 10: ACOE PEIS

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These improvements include wastewater collection, treatment, and disposal options and

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programmatic, and as such, the

alternatives and environmental consequences of the overall FKWQIP implementation on the

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Thank You for your attention to these points.

Harry Powell

Big Pine Key

Dear Governor Scott ,

Thank you for your recent announcement that you want an investigation re the DEP and the Cudjoe Regional Wastewater System. I would like to think that this would be an

effective way to deal with the situation , but I have some doubts. Please see below the letter I wrote to Ms Miguel , the State Office of Inspector General.

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Office of State of Florida Inspector General cig@eog.myflorida.com

Dear Ms Miguel,

We saw recently that the Governor has ordered an investigation of the Cudjoe Regional Wastewater System by the IG at DEP and feel that it is the DEP and the FCAA which are the problem . So basically you are having the agency investigate itself which does not make us comfortable and will do little to assuage the nagging facts that there have been significant "irregularities" in the way DEP has handled this Lower Keys Project.of some 150 - 200 million dollars.

I certainly appreciate the gesture. Would you be kind enough to look at the following and consider a different approach?

Deeply Appreciated,

Harry Powell

Big Pine Key

Pearce, Jennifer

From: Parsons, Sheryl
Sent: Thursday, December 22, 2016 10:02 AM
To: Pearce, Jennifer
Subject: FOIA Assignment for EPA-R4-2017-001940 4 of 4
Attachments: removed.txt

Last one!

From: HPowell986@aol.com [mailto:HPowell986@aol.com]
Sent: Monday, August 18, 2014 4:02 PM
To: Parsons, Sheryl <Parsons.Sheryl@epa.gov>
Cc: Higgins, Jamie <Higgins.Jamie@epa.gov>; wdrabinski@vantageenergyconsulting.com; bgprevatt@aol.com; homebigpine@aol.com; Parsons, Sheryl <Parsons.Sheryl@epa.gov>
Subject: Re: Lower Keys wastewater systm funded through EPA

Dear Ms parsons ,
Could you review the enclosed and get back to me regarding NEPA compliance in a Federal Wildlife Refuge and National marine Sanctuary , please?

Deeply Appreciated,

Harry Powell

Big Pine Key FL

In a message dated 8/18/2014 3:30:12 P.M. Eastern Daylight Time, Higgins.Jamie@epa.gov writes:

Mr. Powell,

I apologize for just now responding to your email, but I have been out of the office the last two weeks.

Sheryl Parsons of our SRF program could better answer your question. She is cc'd in this email and her email address is Parsons.sheryl@Epa.gov.

Sincerely,

Jamie Higgins

EPA Region 4

NEPA Program Office

Sam Nunn Atlanta Federal Center

61 Forsyth Street, SW

Atlanta, GA 30303

404-562-9681

Higgins.jamie@epa.gov

From: HPowell986@aol.com [<mailto:HPowell986@aol.com>]
Sent: Wednesday, August 13, 2014 4:07 PM
To: Higgins, Jamie
Cc: wdrabinski@vantageenergyconsulting.com; bgprevatt@aol.com; HPowell986@aol.com; homebigpine@aol.com
Subject: Lower Keys wastewater systm funded through EPA

Dear Ms Higgins ,

I was told I should contact you. Apparently NEPA has been ignored and the impact to the Florida Keys Marine Sanctuary and the Key Deer National Wildlife Refuge, as well as other environmental concerns have not been addressed for this massive project which has been partially funded thru EPA and its State Revolving Loan Fund.

Please see below and kindly respond with any suggestions.

Kind Regards,

Harry Powell

Big Pine Key FL

http://www.evergladesplan.org/pm/projects/project_docs/other_projects_fwqip/fkwq_eis_main_body_cover_figures.pdf

<http://www.epa.state.il.us/water/financial-assistance/state-revolving-fund.html>

<http://www.epa.state.il.us/water/financial-assistance/waste-water/35-iac-365.pdf> Section 365.530 State Environmental Review

- a) Prior to making a final determination on the acceptability of any facilities plan, the Agency shall undertake an environmental review. The Agency may categorically exclude certain classes of projects from a detailed environmental review and public hearing requirement when, by virtue of their limited scope, the projects have no potential for negative environmental impacts.
- b) The Agency shall not begin its environmental review until it has determined that the facilities plan conforms to the requirements of Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Subpart, and that, based on the information available, all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.

c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction.

d) For all projects requiring an environmental review, the Agency will assess the environmental impacts of the proposed project and prepare a written Preliminary Environmental Impacts Determination (PEID). The public will be given an opportunity to comment on the facilities plan and the Agency's environmental impacts assessment.

e) The PEID shall be mailed to the loan applicant and other interested parties, inviting public comment. The loan applicant shall hold a public hearing on the plan and the Agency's PEID for the purpose of obtaining public comment. The public hearing shall be held within 60 days after receipt of the Agency's PEID or within an alternate time period that is justified by the loan applicant and approved by the Agency. The loan applicant shall allow an additional 10 days from the date of the public hearing for the submission of written comments from the public.

f) The

Here are discussion points:

Water quality, environmental protection, which everyone wants

Potential violations of NEPA and the Clean Water Act

Health and safety issues

Long term Cost of the system and economics

Questionable engineering and decision tree

Laws and regulations seemingly swept aside. Perceived misrepresentation by FKAA, irresponsible BOCC and all too compliant DEP and agrowing suspicion that there is some graft or corruption involved.

This must be resolved through a thorough investigation, not just lip service by the in house DEP Inspector General but by some independent IG or other entity like FDLE.

I think the Governor needs to be told that this tourist/real estate, seafood economy could suffer if our water quality is adversely affected by this mis-engineered up system. We already have beach advisories in Key West and they have a good system with a deep well. What happens when Bahia Honda State Park gets closed? How will the TDC sell THAT?

- FKAA is not going to make the 2015 deadline by their own admission- maybe not even hook up Big Pine until 2016, so why not stop the work now until the case has been settled?
- The Notices of Intent are not permits and the language says that timely petitions would halt the permits." **The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of notice. The procedures for petitioning for a hearing**

are set forth below.... This permit action is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this permit will not be effective until further order of the Department." What's the point of a NOI if DEP can illegally ignore the timely petitions and allow construction to proceed?. The NOI clearly states that there is no permit if a petition is filed in a timely manner, which they were.

- If LPS/ grinder system is so wonderful , then why was not the whole project done with them?
- FCAA has no oversight other than the Governor Scott. The FCAA Chairman said that he would prefer gravity in most all cases, but the County will not give the money. They maintain that the LPS system is a good choice. What are the consequences if they are wrong and proceed with the project before the hearings? They have rushed ahead anyway and should stop work.
- The decision tree below came from someone , nobody knows for sure, but note that separate Baypoint system has only 497 vacuum EDUs. Not greater than 750 this later decision tree shows, and there are recommendations that vacuum standards start at 75 , not 750 EDUs.. I think this was designed so that the only decision was to use LPS.

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